

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOSE MARIA DeCASTRO,  
a/k/a CHILLE DeCASTRO,  
a/k/a DELETE LAWZ,

*Plaintiff,*

v.

JOSHUA ABRAMS a/k/a  
ACCOUNTABILITY FOR ALL, KATE  
PETER a/k/a MASSHOLE  
TROLL MAFIA,

*Defendants.*

CASE NO. 1:22-cv-11421-ADB

**DEFENDANT KATE PETER'S EMERGENCY MOTION TO DISMISS OR,  
IN THE ALTERNATIVE, FOR EQUITABLE RELIEF  
(MEMORANDUM INCORPORATED)**

**i. Introduction**

Defendant Kate Peter ("Ms. Peter") hereby requests, on an emergency basis, that the Court dismiss with prejudice the Complaint of Plaintiff Jose Maria DeCastro, a/k/a Chille DeCastro, a/k/a Delete Lawz ("Mr. DeCastro") and further enter a permanent injunction that Mr. DeCastro shall not threaten and harass Ms. Peter, all counsel of record, and witnesses in this action. In the alternative, Ms. Peter requests that this Court order that Mr. DeCastro shall not threaten and harass Ms. Peter, all counsel of record, and witnesses in this action, and that any violation of that order shall result in dismissal of his claims.

Mr. DeCastro is using this litigation as a tool to harass and threaten Ms. Peter, undersigned counsel, witnesses, and others, and is intentionally defying Court orders to facilitate his efforts to do so. Particularly where Mr. DeCastro has repeatedly conceded the purpose of this

litigation is simply to drain Ms. Peter of her resources and not to win—and has already been executing on that plan—Ms. Peter respectfully submits that dismissal is appropriate and necessary, including to maintain the integrity of this Court. Denying this motion would send a clear message to Mr. DeCastro and to the world: litigation may be used as a weapon to deplete a party’s resources. Ms. Peter submits that the Court should send the opposite message by dismissing the lawsuit: litigation is for determining the rights of the parties, not for harassment.

Mr. DeCastro is a YouTube personality and content creator, on the YouTube channel called “Delete Lawz.” He explained to Ms. Peter that he planned to initiate this litigation even though “I don’t care if I win” because “I care that you have to hire a lawyer . . . I care that I extend the process for as long as I can to drain you.” Affidavit of Kate Peter (“Peter Aff.”), Exhibit A. Indeed, on September 7, 2022, Mr. DeCastro stated on his YouTube channel: “Eventually I’m gonna get them, because the thing is that, I’ll, I will break them financially. They will have to hire a lawyer. I will file motion after motion after and I’ll just keep going legally after them until I break them, until they can’t afford to hire a lawyer anymore so they run out of money. That’s what I’m gonna do, I’m gonna break them.”<sup>1</sup> He has written to Defendant Joshua Abrams (“Mr. Abrams”), “This is just beginning -- You made a grave error in choosing to tangle with me. Heed my warning: I will not stop until I break you down to zero. We Don't Stop.” Affidavit of Joshua Abrams (“Abrams Aff.”), ¶¶10–11, Exhibit B. Mr. DeCastro has decided to do anything he believes will further his goals regardless of this Court’s orders. Already, he has refused to appear for a court-ordered hearing based on his claim that the Court did not properly serve him—despite the Court’s service via the email address on file with the

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<sup>1</sup> This YouTube broadcast can be viewed at <https://youtu.be/XX-is5kJ6zQ?t=722> (this particular link, like all other links herein and in the affidavit of Ms. Peter, goes directly to the at-issue quote).

Court (and which Mr. DeCastro has included in his signature block on multiple pleadings). Affidavit of Benjamin Wish (“Wish Aff.”), ¶¶7–15, Exhibit B.

Consonant with Mr. DeCastro’s plan to use this litigation as a means to “drain” Ms. Peter, and as the affidavits filed in support of this motion detail, Mr. DeCastro makes it his practice to harass, threaten, and taunt parties and counsel to seek to get what he wants. He has repeatedly threatened Ms. Peter. See generally Peter Aff. He has sought to intimidate undersigned counsel as well: he has asked his approximately 48,000 subscribers on YouTube to “find out everything they can” about undersigned counsel in a transparent attempt to find some information to use as leverage against counsel in this litigation. Wish Aff., Exhibit A. Apparently, he has even sought to blackmail a third-party witness in order to extract an affidavit. As an email from a third-party to this Court reflects, Mr. DeCastro threatened to expose that third-party on his YouTube channel in order that his supporters could take whatever action they wished against him unless that third party provided an affidavit for him to use in this litigation.<sup>2</sup> Mr. DeCastro is not just an online harasser, but poses a real physical threat: he once showed up at Mr. Abrams’s home with two unlicensed firearms, a shotgun and handgun revolver. Abrams Aff. ¶14.

Litigation is a vehicle for determining the rights of the parties and ordering appropriate relief. It is not a vehicle for abuse, threats, and harassment. Allowing Mr. DeCastro to continue to seek to use this Court to drain and destroy Ms. Peter, as he has declared he intends to do, would allow Mr. DeCastro to undermine the integrity of this Court and pervert the legal process to enable him to use this process as a tool for harassment and abuse. Ms. Peter respectfully submits that this Court should not allow Mr. DeCastro to do so.

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<sup>2</sup> In order not to publicize the identity of this third party, Ms. Peter respectfully refers the Court to the emails which this individual has sent to the Court.

## **ii. Relevant Factual and Procedural Background<sup>3</sup>**

Ms. Peter is a full-time residential property manager, mom of two children, aged 16 and 13, and, in her spare time, runs a YouTube channel called “Masshole Troll Mafia.” Peter Aff. ¶1. In or around April 2022, Ms. Peter began to post videos on her YouTube channel regarding Mr. DeCastro, also a content creator, who runs a YouTube channel called “Delete Lawz.” Id. ¶2. Disagreeing with the content of that channel, which is vehemently anti-government and anti-police, Ms. Peter began to research Mr. DeCastro’s background and post videos about him. Id.

Almost immediately, Mr. DeCastro sent Ms. Peter what he purported to be a “cease and desist” letter via a third party, Mr. Abrams, but was in reality the first of many threatening and harassing messages that Mr. DeCastro would send to Ms. Peter. Id. ¶3.<sup>4</sup> In the message, Mr. DeCastro wrote: “.... You’re damn lucky we have a legal system, and I’m a man of law order, or I would let you know when I was coming... So I could see the look of tear on your face as closed it.” Id. He went on to write “I will check your social media channels for the retraction... If it is not complete and full... You’ll be served a lawsuit next week. I don’t care if I win... I care that you have to hire a lawyer... I care that I extend the process for as long as I can to drain you.” Id. As set forth in Ms. Peter’s affidavit, Mr. DeCastro’s threats to harm Ms. Peter continued from there. See Peter Aff., generally. And his threats were not idle. Mr. DeCastro attempted to take out two baseless harassment protection orders against Ms. Peter, once in Woburn District Court

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<sup>3</sup> Ms. Peter respectfully refers the Court to the affidavit filed in connection with this Motion for a complete summary of the factual record relevant to this Motion.

<sup>4</sup> Although Mr. DeCastro has claimed that the Facebook message is inauthentic, submitted herewith is the affidavit of Mr. Abrams confirming that this message was authored by Mr. DeCastro and that Mr. DeCastro had instructed Mr. Abrams to deliver the message to Ms. Peter. Abrams Aff., ¶¶5–6.

and once in Attleboro District Court, both of which were denied, and called the Attleboro Police Department to report Ms. Peter. Id. ¶¶8–9. When the officer was not receptive to Mr. DeCastro, Mr. DeCastro requested permission from the officer to “handle” the situation (Ms. Peter) on his own. Id. ¶9.

Mr. DeCastro’s pre-litigation antics culminated on September 3, 2022, when he travelled from California to Boston to “serve” Ms. Peter personally while she attended an unrelated court hearing in Roxbury District Court. Id. ¶10. While court was in session, Mr. DeCastro approached Ms. Peter as she sat in the gallery, leaned down, and stated “This is just the beginning. You have no idea what’s coming for you. You have no idea. I am going to destroy you.” Id. An associate with Mr. DeCastro then threw a manila folder at Ms. Peter and yelled—in the middle of open court—“You’ve been served!” Id. Court officers escorted Mr. DeCastro and his associate out of the courtroom. Id.

Mr. DeCastro’s harassment and intimidation tactics only worsened after he filed this lawsuit, with repeated messages of how he planned to “take these people down” and “attack” the defendants in this litigation, telling his followers “Eventually I’m gonna get them, because the thing is that, I’ll, I will break them financially. They will have to hire a lawyer. I will file motion after motion and I’ll just keep going legally after them until I break them, until they can’t afford to hire a lawyer anymore so they run out of money. That’s what I’m gonna do, I’m gonna break them.” Id. ¶11. The next day, with regard to the legal process, Mr. DeCastro stated:

It just takes a long time, the wheels of justice spin slowly, but they - they are crushing as they come around, and so I mean, anybody who’s ever dealt with the legal system knows that when all of a sudden you have to do these horrific hoops you have to jump through . . . well these folks are about to meet some horrific hoops. It’s because it’ll never stop either. I’ll just keep on hammering them, the third prong hasn’t even dropped yet.

Id.

Mr. DeCastro has continued to threaten Ms. Peter through email and through his YouTube broadcasts. Id. ¶12.

Mr. DeCastro's attacks did not end with Ms. Peter. After learning that Ms. Peter had retained counsel, Mr. DeCastro began a course of emailing Ms. Peter's counsel and leaving him threatening and harassing voicemail messages, as well. As set forth in the Affidavit of Benjamin Wish ("Wish Aff."), the very day undersigned counsel reached out to Mr. DeCastro, Mr. DeCastro left him a voicemail message (which Mr. DeCastro then posted to YouTube) which concluded with the statement:

You're not my daddy. I have no obligation to you, none, you you. I don't owe you a goddamn thing.

You're a bloodsucking law lawyer who doesn't give a shit about justice. You're doing court law cases. You don't give a shit about justice or the rule of law or the Constitution or America . . .

Wish Aff. ¶¶4–5. Worse, Mr. DeCastro has directed his online supporters to go after undersigned counsel. He has asked his 48,000 subscribers to "find out everything about this guy" in a transparent effort to seek to gain some leverage over counsel. Id. ¶6, Exhibit A.

Mr. Castro has already acted to seek to manipulate and impede the judicial process. Specifically, on October 18, 2022, counsel learned that Mr. DeCastro appeared to have engaged in witness intimidation in an attempt to gather false evidence to use in this litigation. Specifically, Mr. DeCastro has threatened others, including by saying he will "dox"—identify the identity, address, and other personal information of a person on the internet—potential witnesses in this litigation and send his supporters after them, unless those third-parties provide affidavits in support of Mr. DeCastro's claims in this litigation. Mr. DeCastro appears to have so intimidated one witness that the witness directly contacted the Court and advised that he was fearful that he was in danger. Specifically, that witness wrote to the Court:

Over the course of the last two weeks, I've been blackmailed and extorted by the plaintiff, Jose Maria DeCastro, to produce documentation and evidence to support his case, over fear that he will put my entire life and identity on-line. I know that I am not the only person he is currently doing this to, but right now I have a credible threat that TONIGHT he will be posting a video where he has taken my full details and created multiple videos about me.

I am trying to find a lawyer as well as contact both law enforcement and Google/YouTube. I am hoping that the Judge could possibly intercede with some type of a cease & desist action.

PLEASE HELP ME. This man is very, very dangerous, he has proven over and over and over again with others that he does not make idle threats. The people who follow him are of a similar mindset and I have a credible fear for my life.

Further, Mr. DeCastro has demonstrated his willingness to violate this Court's orders if he believes doing so will benefit him. He took the position that he had not received notice of an order to appear for a status conference in order to avoid appearing for the October 18, 2022 status conference which this Court ordered. *Wish Aff.* ¶7. The Court ordered an Emergency Status Conference on October 18, 2022 at 4 PM and ordered all parties to appear. ECF No. 17. There is no question that Mr. DeCastro received notice of the status conference. The Court sent him notice to the email address on the Court's public docket, [iamalaskan@gmail.com](mailto:iamalaskan@gmail.com), undersigned counsel sent it to him at the address at which counsel had been corresponding with Mr. DeCastro, and counsel and Mr. DeCastro spoke about the impending status conference just before it was to begin. *Wish Aff.* ¶¶8–12. Nevertheless, Mr. DeCastro has sworn under oath that, among other excuses, he did not appear for the status conference, because "I obviously had not received proper service." *See id. Exhibit C*, at 4. In other words, Mr. DeCastro refused to appear for a court-ordered hearing because it is his position that the service of the order the Court provided was not proper. Mr. DeCastro did not appear at the status conference, and the Court put on the record the means by which it had provided notice to Mr. DeCastro. *Id.* ¶¶15–16, *Exhibit B*, at 4:9–5:1.

### iii. Argument

Courts do not tolerate litigants using the legal system to engage in abusive behavior. Upon recognizing that a party is using the litigation as a tool for harassment, courts routinely dismiss the litigation. Here, the Court does not need to engage in intensive fact finding to reach the conclusion that Mr. DeCastro has weaponized this litigation: he has announced it to the world on his YouTube channel and has catalogued the many respects in which he has already harassed and threatened Ms. Peter, witnesses, and undersigned counsel.

A District Court has the inherent power to fashion remedies to address issues that arise during litigation on a case-by-case basis. United States v. One 1987 BMW 325, 985 F.2d 655, 661 (1st Cir. 1993). Indeed, “[i]t has long been the rule that federal courts possess plenary authority to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” HMG Prop. Invs., Inc. v. Parque Indus. Rio Canas, Inc., 847 F.2d 908, 916 (1st Cir. 1988) (internal quotations omitted). Among other things, where a party’s behavior is egregious and willful or conducted in bad faith, it is well within the Court’s discretion to dismiss a case outright. One 1987 BMW 325, 985 F.2d at 661; Nat’l Hockey League v. Metro. Hockey Club, Inc., 427 U.S. 639, 640 (1976).

Such a sanction is permissible where a party is engaged in conduct “utterly inconsistent with the orderly administration of justice[,]” Wyle v. R.J. Reynolds Indus., Inc., 709 F.2d 585, 589 (9th Cir. 1983) (cited with approval in Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1119-20 (1st Cir. 1989)), and “totally at odds with the Federal Rules of Civil Procedure and the notions of fairness central to our system of litigation.” C.B.H. Res., Inc. v. Mars Forging Co., 98 F.R.D. 564, 569 (W.D. Pa. 1983) (cited with approval in Aoude, 892 F.2d at 1119–20). Indeed, the



ability to issue the sanction of dismissal “must be available to the district court in appropriate cases, not merely to penalize those whose conduct may be deemed to warrant such a sanction, but to deter those who might be tempted to such conduct in the absence of such a deterrent.”

Nat’l Hockey League v. Metro. Hockey Club, Inc., 427 U.S. 639, 643 (1976).

Moreover, a sanction of dismissal “need not be preceded by other, less drastic sanctions[;]” on the contrary, a Court may apply this “strong medicine for instances where the defaulting party’s misconduct is correspondingly egregious.” Aoude v. Mobil Oil Corp., 892 F.2d at 1118; see also Farm Const. Servs., Inc. v. Fudge, 831 F.2d 18, 20 (1st Cir. 1987) (dismissing complaint for failure to respond to discovery, holding that “[a] court is not necessarily required to attempt less severe sanctions before turning to the sanction of dismissal . . . nor is a court required to provide an adversary hearing before imposing this sanction”); Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co., 771 F.2d 5, 12 (1st Cir. 1985) (“Great deterrent value is to be derived from the imposition of sanctions for such abusive litigation practices . . . and there is . . . no requirement that other sanctions be first considered or tried”).

In deciding whether to dismiss a claim as a sanction, “the judge should carefully balance the policy favoring adjudication on the merits with competing policies such as the need to maintain institutional integrity and the desirability of deterring future misconduct.” Aoude, 892 F.2d at 1118. Applying this principal, courts have dismissed cases outright for, among other things, obtaining a written statement from a witness through deceit, C.B.H. Res., Inc. v. Mars Forging Co., 98 F.R.D. 564, 569 (W.D. Pa. 1983) (cited with approval in Aoude, 892 F.2d at 1119–20); fabricating evidence, see Aoude, 892 F.2d at 1119–20; abusing litigation tactics, including through the spoliation of evidence, Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co., 771 F.2d 5, 11–12 (1st Cir. 1985); and disregarding court orders. National Hockey League

v. Metro. Hockey Club, Inc., 427 U.S. 639, 643 (1976).

Application of the First Circuit’s balancing test is straightforward here. Mr. DeCastro’s claim should be dismissed because his actions have been “utterly inconsistent with the orderly administration of justice” and, on the other side of the scale, he has conceded that he is not even trying to adjudicate this matter on the merits. Aoude, 892 F.2d at 1118. As Mr. DeCastro admitted in his April 28, 2022 cease and desist message to Ms. Peter, “I don’t care if I win . . . I care that you have to hire a lawyer . . . I care that I extend the process for as long as I can to drain you.” See Abrams Aff., Exhibit A. After beginning litigation, Mr. DeCastro doubled down, emailing to Ms. Peter “*Kate – I ‘m never going to stop until you’re done. I will never ever ever ever stop [.] And its’ [sic] not just me.*” See Peter Aff. Exhibit C (emphasis supplied). He announced that same intention to the world on his YouTube channel to use the litigation to “break them [Ms. Peter and co-defendant Mr. Abrams] financially.”<sup>5</sup> Mr. DeCastro has already demonstrated his willingness to disregard court orders to seek to accomplish these ends; he refused to appear for the October 18, 2022 emergency status conference because he claims that the Court did not provide “proper service” of its order (despite receiving notice via multiple email addresses and discussing the impending hearing with undersigned counsel). Wish Aff. ¶16, Exhibit C. He is further seeking to undermine Ms. Peter’s ability to have the assistance of counsel by requesting that his 48,000 followers “dox” undersigned counsel in order to try to gain some leverage over counsel. See id. ¶¶2–6, Exhibit A.

Mr. DeCastro’s use of this litigation, and this Court, to threaten and harass parties, witnesses, and counsel poses a real risk to the Court’s “institutional integrity.” Aoude, 892 F.2d

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<sup>5</sup> <https://youtu.be/XX-is5kJ6zQ?t=722>

at 1118. If this Court permits Mr. DeCastro to persist in litigating this case, given his repeated stated intention to use the litigation as a cudgel, it will send a clear message to Mr. DeCastro, his 48,000 subscribers, and the world: parties may use litigation as a means to attack others financially and to harass them. Ms. Peter submits that the Court should not send such a message. On the other hand, dismissing Mr. DeCastro's lawsuit will "deter[] future misconduct" by sending exactly the opposite message: Courts will not tolerate litigation targeted at harassing a party and draining their resources. Id.

Indeed, Mr. DeCastro's plan and tactics amount to a hornbook example of abuse of process. Abuse of process lies where a party uses the legal process "to accomplish some ulterior purpose for which it was not designed or intended, or which was not the legitimate purpose of the particular process employed." Millennium Equity Holdings, LLC v. Mahlowitz, 456 Mass. 627, 636 (2010). "The three elements of the cause of action are that 'process' was used, for an ulterior or illegitimate purpose, resulting in damage." Id.

Given the egregious nature of Mr. DeCastro's conduct even at this early date—ranging from harassment of Ms. Peter and her counsel, refusal to follow court orders, and coercion and harassment of witnesses, one so badly that he was forced to seek protection from this Court and law enforcement—as well as the bad faith nature of Mr. DeCastro's claims, it is well within this Court's discretion to dismiss Mr. DeCastro's claims in their entirety. This will both prevent Mr. DeCastro from further using this litigation to harass the parties and third party witnesses and will deter others from similar conduct in the future. This Court should further order a permanent injunction barring Mr. DeCastro from threatening and harassing Ms. Peter, all counsel of record, third-party witnesses to this matter, and others. In the alternative, Ms. Peter submits that the Court should enjoin Mr. DeCastro from engaging in such threatening or harassing behavior, and

further order than any further harassment or threats shall result in immediate dismissal of this lawsuit.

**iv. Conclusion**

For the above stated reason, Ms. Peter respectfully requests that this Court allow this Motion in its entirety.

Respectfully submitted,

KATE PETER,

By her attorney,



Benjamin J. Wish (BBO # 672743)  
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**CERTIFICATE OF SERVICE**

I, Benjamin J. Wish hereby certify that on October 20, 2022, I caused the foregoing document to be served via email upon the following *pro se* litigant and have further served him a copy via hand-delivery and via overnight delivery:

Jose Maria DeCastro (*Pro Se*)  
1258 Franklin Street  
Santa Monica, CA 90404  
[iamalaskan@gmail.com](mailto:iamalaskan@gmail.com)

/s/ Benjamin J. Wish  
Benjamin J. Wish